

EMPLOYMENT LAW
Fall 2007

Professor Rafael Gely
Office: Room 415
Phone: 556-0898
Office Hours: Anytime. No appointment necessary.

Text:

1. EMPLOYMENT LAW: CASES AND MATERIALS – 4th, by Willborn, Schwab, Burton & Lester

2. SELECTED FEDERAL AND STATE STATUTES, 2007 ed., by Willborn, Schwab, Burton & Lester

Grades:

The final grade will be based on your performance on the final exam.

The final exam is open book and open notes. Open notes include the following: the assigned casebook, statutory supplement, any handouts distributed in class and any notes personally prepared by you or prepared jointly with other members of the class.

If a student has been irregular in his/her attendance or consistently unprepared, I may, with the approval of the Dean and upon notification of the student, require the student's withdrawal from the course or his/her exclusion from the examination.

First day assignment:

Please read pages 13-44.

Tentative Schedule

INTRODUCTION

EMPLOYMENT AT WILL

Legal Boundaries of the Employment Relationship (13-44)

Historical and Doctrinal Foundations (59-65)

Contracts Erosions of Employment At Will

Express Contract Modifications (68-85)

Reliance and Implied-in-Fact Contracts (85-100)

Employment Manuals & Disclaimers (100-118)

Tort Erosions of Employment At Will

Wrongful Discharge in Violation of Public Policy (119-158)

Intentional Infliction of Emotional Distress (158-169)

Good Faith Limitations on Employment At Will (171-186)

Employee Free Speech and Political Protections

Political and Speech Rights in the Public Workplace (206-224)

Political and Speech Rights in the Private Workplace (225-238)

Employee Privacy Rights

On the Job (239-257)

Off-Work Privacy Claims (257-268)

Drug Testing (269-281)

Honesty Testing & Background Screening (281-297)

Negligent Hiring (297-303)

Defamation (305-322)

EMPLOYEE DUTIES & PROMISES

Duty of Loyalty and Trade Secrets

Taking Customers and Employees (332-345)

Trade Secrets in Information (345-353)

Enforcement of Noncompetition Clauses (355-374)

Employee Inventions (375-391)

WAGES AND HOURS

The Fair Labor Standards Act

Substantive FLSA Obligations (587-601)

Coverage (602-608)

Unemployment Insurance

The UI Program (630-633)

Disqualifications from UI Benefits (633-652)

EMPLOYEE BENEFITS

Leave Time

- The Right to Leave (675-688)
- The Conditions of Leave (688-697)

Pensions

- The Problem with Pensions (699-707)
- Protecting Employees from Forfeiture (707-719)
- Gender Equity (719-724)
- Fiduciary Duties (724-745)

Employer Provided Health Insurance

- Thinking About an Employment-Based Health Care System (767-774)
- ERISA Preemption, Limits (774-791)
- Health-Care Coverage for Individuals with Disabilities (811-817)
- Retiree Health Care (818-831)

WORKPLACE INJURIES and DISEASES

Workplace Compensation

- The Exclusivity Principle (868-894)
- Which Injuries Are Compensable?
 - In the Course of Employment (894-915)
 - Arising Out of Employment (915-927)
 - Accident (931-936)
 - Personal Injury (936-937)

Occupational Safety and Health

- Overview (983-992)
- Substantive Criteria for OSHA Standards (992-1003)
- Legal Challenges to Permanent Standards (1003-1029)
- General Duty (1029-1038)
- Enforcement (1038-1057)
- Employee Rights and Responsibilities (1058-1073)